

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 04.07.2022
CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Writ Petition No.20969 of 2014

T.Prabakaran
S/o.Thiruvenkadam

... Petitioner

Vs.

- 1.The Joint Registrar of Coop. Societies,
Cuddalore Region, Cuddalore,
Cuddalore District.
- 2.The Deputy Registrar of Coop. Societies,
Chidambaram Circle, Chidambaram,
Cuddalore District.
- 3.The President,
Chidambaram Coop. Primary Agriculture
and Rural Development Bank Limited,
No.1, 2nd Main Road, Kanakasabai Nagar,
Chidambaram - 608 001.
Cuddalore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 2 and 3 to disburse the petitioner's Gratuity and Provident Fund to the petitioner to the tune of Rs.6,00,000/- together with interest.

For Petitioner : Mr.C.Prakasam
For Respondents: Mrs.S.Anitha
Special Government Pleader [R1 & R2]
No appearance [R3]

O R D E R

The relief sought for in the present writ petition is to direct the respondents 2 and 3 to disburse the petitioner's Gratuity and Provident Fund to the petitioner to the tune of Rs.6,00,000/- together with interest.

2. The petitioner was appointed in the third respondent Bank as Supervisor and subsequently, promoted to the post of

Secretary. The petitioner reached the age of superannuation on 30.11.2006. However, the then Special Officer of the third respondent Bank had not relieved the petitioner from service. A charge memo has been served on the petitioner on the date of superannuation i.e. 30.11.2006. The petitioner raised a ground that the charge memo cannot be served as he reached the age of superannuation and the employer and employee relationship ceased to exist. However, the charges framed against the petitioner were dropped by the revisional authority u/s.153 of the Tamil Nadu Coop. Societies Act, 1983.

3. No surcharge proceedings are pending against the petitioner as per the submission of the learned Special Government Pleader. Thus, there is no impediment for settlement of terminal benefits due to the petitioner.

4. Mr.V.Nandakumar, Joint Registrar of Coop. Societies, Cuddalore, is present before this Court and made a submission that the Society is running in loss and they are doing the jewel loan transaction alone and it may not be feasible to settle the entire amount in one lump sum. However, the society will settle by way of installments.

5. In view of the fact that the society is facing financial constraints and the jewel loan transactions alone are going on in the society, the respondents are directed to settle the terminal benefits due to the petitioner in four equal installments, as expeditiously as possible.

Accordingly, this Writ Petition is allowed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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+1 cc to Government Pleader Sr.NO. 43229

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AJB(CO)

A.SK(21/07/2022)